

STATE OF ALASKA

SEAN PARNELL, GOVERNOR

**DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL HEALTH
PESTICIDES PROGRAM**

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Anchorage, Alaska 99501
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**Certified Mail # 7003 2260 0004 1152 6717
Return Receipt Requested**

April 30, 2010

Matthew Kelzenberg
Alaska Railroad Corporation
PO Box 107500
Anchorage, Alaska 99510

Subject: Permit to Apply Pesticides, #10-SOL-01

Dear Mr. Kelzenburg:

The Department of Environmental Conservation (DEC) has completed its evaluation of your request for a permit for the application of the pesticide Aquamaster Herbicide, EPA Registration Number 524-343 to eradicate vegetation on the state right of way along selected portions of the railroad between Seward and Bird, Alaska. DEC is issuing the enclosed permit in accordance with Alaska Statute 46.03.330 and Title 18, Chapter 90 of the Alaska Administrative Code (18 AAC 90) for a period not to exceed two years from the effective date of the permit.

Any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195 - 18 AAC 15.340, or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Division Director, Alaska Department of Environmental Conservation, 555 Cordova Street, Anchorage, AK 99501 within 15 days of the permit decision. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801, within 30 days of the permit decision. In both cases please also send a copy of the request to ADEC Pesticide Program, 1700 E. Bogard Road, Building B Suite 103, Wasilla, AK 99654. If a hearing is not requested within 30 days, the right to appeal is waived. More information about the submission of a request for an informal review or adjudicatory hearing may be found at www.dec.state.ak.us/commish/ReviewGuidance.htm.

Sincerely,



Kristin J. Ryan
Environmental Health Director

Enclosure

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501

PERMIT TO APPLY PESTICIDES

Permit No.: 10-SOL-01

Date Issued: April 30, 2010

Date Effective: This permit is effective the latter of

- A. 40 days after the date of issuance of the permit;
- B. the date a stay or injunction is vacated, if the permit is stayed or enjoined as part of an adjudicatory hearing or other process under 18 AAC 15 or by a court of competent jurisdiction; or
- C. the date a stay or injunction is vacated, if, after the permit becomes effective, the permit is stayed or enjoined as part of an adjudicatory hearing or other process under 18 AAC 15 or by a court of competent jurisdiction, provided no spraying under the permit has occurred. In the event spraying under the permit has occurred, the Effective Date of the permit is the date the permit first became effective.

Date Expires: The Expiration Date of this permit is two years after the Effective Date.

The Alaska Department of Environmental Conservation (ADEC), under authority of Alaska Statute 46.03.330 and Title 18, Chapter 90 of the Alaska Administrative Code, hereby grants a Permit to Apply Pesticides to:

Matthew Kelzenberg
Alaska Railroad Corporation
PO Box 107500
Anchorage, Alaska 99510

for the purpose of applying the pesticide Aquamaster Herbicide, EPA Registration Number 524-343 to eradicate vegetation on the state right of way along selected portions of the railroad between Seward and Bird, Alaska.

The permit holder shall manage and apply the pesticide in accordance with 18 AAC 90 and the complete permit application incorporating items submitted between May 22, 2009 and June 26, 2009. In addition, the following permit conditions and stipulations are required:

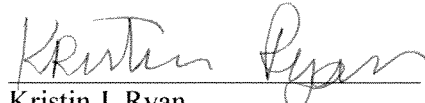
1. Use pesticides only in the manner specified by the label instructions. Adhere to all the requirements specified by the pesticide product label.
2. Ensure that pesticides are applied only by a person properly certified by DEC to apply such pesticides, or a person under the direct supervision of a person so certified.
3. Apply pesticides using properly calibrated equipment, and in strict compliance with safety precautions.
4. Apply pesticides only to those locations identified in the permit application.
5. Prevent application of pesticides to any surface water body as defined by AS 46.03.900(37), including any temporary water bodies, or to the area within 100 feet of any surface water body. Comply with all measures described in the permit application to prevent such application, including;

- Identify and mark all locations to be sprayed prior to application;
 - Operate a pilot car to identify and mark buffer zones of at least 100 feet from any surface water body;
 - Pilot car should be in constant radio communication with application vehicle; and
 - Use a hand operated backpack sprayer in areas that would be difficult reach using the method approved in the application.
6. The permit holder must provide at least one week notice to the ADEC Pesticide Program of the specific date and time of application to allow for an ADEC representative to be physically on site to monitor the application.
 7. Apply pesticides only when measured wind speed is between 2 and 10 miles per hour.
 8. Do not apply pesticides during heavy rain.
 9. Maintain the following records for each pesticide used. Records must be available to DEC upon request:
 - Product name
 - EPA registration number
 - Target pests
 - Date and time of application
 - Method of application
 - Weather conditions during application
 - Amount of pesticide used
 - Location and size of treatment area
 - Names of applicators
 - Purchase, storage, and disposal information
 10. Dispose of empty pesticide containers in accordance with label directions and 18 AAC 90.615(a). Any burning of pesticide containers must be done in compliance with 18 AAC 50.
 11. Immediately report any spill or accident, alleged accident, or complaint to the DEC Pesticide Program at 1-800-478-2577.
 12. Ensure that decontamination, safety, and spill clean-up supplies are available at the treatment site at all times during application.
 13. Store all pesticide containers securely, as required by 18 AAC 90.615(d). Post a warning notice on the outside of each storage area in compliance with 18 AAC 90.615(e)-(h).
 14. No later than 90 days after the permit expiration date, submit a written Summary of Treatment Results in accordance with 18 AAC 90.535. This summary must include the following information for each pesticide used:
 - Product name
 - EPA registration number
 - Target pest
 - Dates and times of application
 - Method of application
 - Weather conditions during applications
 - Total amount of pesticide used
 - Location and size of treatment area
 - Names of applicators

- Purchase, storage, and disposal information
- Assessment of success or failure of the treatments
- Any observed effect on human health, safety or welfare, animals, or the environment

In addition to the above stipulations, the ADEC Pesticide Program may monitor treatments to ensure compliance with 18 AAC 90 and the Permit Conditions and Stipulations.

This permit expires two years after the effective date, and may be revoked or amended in accordance with 18 AAC 90.540.



Kristin J. Ryan
Environmental Health Director